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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/751,078      | 12/29/2000  | Ravindra R. Mantena  | YOR920000551US1     | 2055             |

7590 07/05/2005

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EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 09/751,078      | MANTENA ET AL. |
|                              | Examiner        | Art Unit       |
|                              | Jalatee Worjoh  | 3621           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-60 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-60 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12-29-2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is responsive to the amendment filed on April 14, 2005, in which claims 1, 16, 31 and 46 were amended.

***Response to Arguments***

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-60 have been examined.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1,14-16, 29-31, 44-46, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 20020016726 to Ross in view of 6249772 to Walker et al.

Referring to claims 1, 31 and 46, Ross discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see

paragraph [0106]), and automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises order price and estimated date of delivery (see paragraph [0108]). Ross does not expressly disclose obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits or returning an electronic order confirmation comprising the entitled price, wherein the entitled price comprises a price the purchaser is entitled to based on an entitlement. Walker et al. disclose automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises the entitled price (see col. 10, lines 10-18 and 24-34). As for obtaining an entitled price and an estimated date of delivery, this is an inherent step. That is, before providing the purchaser with an order confirmation that includes the entitled price and estimate date of delivery it must have been obtained. Also, the step wherein the entitled price comprises a price the purchaser is entitled to based on a entitlement is nonfunctional descriptive material and is not functionally involved in the steps recited. The step of obtaining an entitled price would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Ross to include the steps of obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits and returning an electronic order confirmation

comprising the entitled price. One of ordinary skill in the art would have been motivated to do this because it ensures that the entities involved in the transaction agrees with the transaction details, thereby reducing disputes.

Referring to claims 14, 15, 29, 30, 44,45,59 and 60, Ross discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see claim 1 above). Ross does not expressly disclose the sales order is a made-to-order item or an out-of stock item. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the step recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive orders of any type, because such data does not functionally involved relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 16, Ross discloses means for electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see paragraph [0106]), and means for automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises order price and estimated date of deliver (see paragraph [0108]). Ross does not expressly disclose means for obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the

purchaser waits or returning an electronic order confirmation comprising the entitled price.

Walker et al. disclose means for automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises the entitled price (see col. 10, lines 10-18 and 24-34). As for obtaining an entitled price and an estimated date of delivery, this is an inherent step. That is, before providing the purchaser with an order confirmation that includes the entitled price and estimate date of delivery it must have been obtained. Also, the step wherein the entitled price comprises a price the purchaser is entitled to based on a entitlement is nonfunctional descriptive material and is not functionally involved in the steps recited. The step of obtaining an entitled price would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Ross to include the means for obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits and returning an electronic order confirmation comprising the entitled price. One of ordinary skill in the art would have been motivated to do this because it ensures that the entities involved in the transaction agrees with the transaction details, thereby reducing disputes.

***Allowable Subject Matter***

6. Claims 2-13, 17-28, 32-43 and 47-58 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (**Specifically, the limitations of claims 2, 17, 32, and 47**).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571)272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular/After Final Actions and (571)273-6714 for Non-Official/Draft.

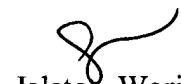
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

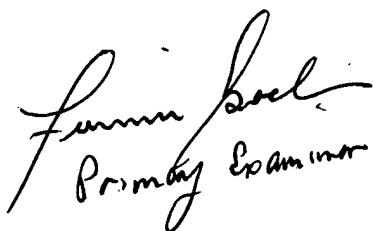
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***Alexandria, VA 22313-1450***

  
Jalatee Worjloh  
Patent Examiner  
Art Unit 3621

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June 23, 2005

  
Jalatee Worjloh  
Patent Examiner  
Art Unit 3621